



U.S. DEPARTMENT OF COMMERCE
MANUAL OF SECURITY
POLICIES AND PROCEDURES

Chapter 27 - Foreign Government Information

2701 Classification

This chapter describes the standards for safeguarding foreign government information other than NATO information. Foreign government information (FGI) is information provided to the United States by a foreign government or international organization of governments, or produced by the United States through a written joint arrangement, that requires either the information or the arrangement, or both, to be kept in confidence. The unauthorized disclosure of foreign government information is presumed to cause damage to the national security; therefore, foreign government information shall retain its original classification designation or be assigned a U.S. classification level that will ensure a degree of protection equivalent to that provided by the originator of the information. The authority to assign a U.S. designation to foreign government information does not require original classification authority.

A. Foreign Government Information.

1. Information provided to the United States Government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both, are to be held in confidence;
2. Information produced by the United States Government pursuant to or as a result of a joint arrangement with a foreign government or governments, or an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence; or
3. Information received and treated as "foreign government information" under the terms of a predecessor order.

B. Classified or Restricted Foreign Government Information.

1. **Top Secret.** Records shall be maintained of the receipt, internal distribution, destruction, access, reproduction, and transmittal of Top Secret foreign government information. Reproduction of the



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information requires the consent of the originating government.

2. **Secret.** Records shall be maintained of the receipt and external dispatch of Secret foreign government information. Other records are not necessary unless required by the originator. Secret foreign government information may be reproduced to meet mission requirements.

3. **Confidential.** Records need not be maintained for Confidential foreign government information unless required by the originator.

4. **Restricted.** Restricted foreign government information shall be safeguarded in a manner that will preclude open publication, access, or use for other than official government purposes. Restricted documents may be stored in locked file cabinets, desks, or similarly secured containers that will prevent access by unauthorized personnel.

C. Unclassified Foreign Government Information Provided in Confidence. Such information shall be provided a degree of protection at least equivalent to that required by the government or international organization that provided the information. Some foreign governments have unclassified information which is protected by law and is provided to the U.S. in confidence. Such information is safeguarded under the provision of E.O. 12958. When adequate to protect the information, these standards may be less restrictive than the safeguarding standards that ordinarily apply to U.S. Confidential information. If the foreign protection requirement is lower than the protection required for U.S. Confidential information, the following requirements shall be met.

1. FGI documents shall be provided only to personnel having an established, demonstrable need-to-know, and whose official duties require access to specific information. Physical control shall be maintained over any material that contains foreign government information to prevent unauthorized access to the information.

2. Individuals being given access to foreign government information shall be notified of any applicable handling instructions. This may be accomplished by a briefing, written instructions, or by applying specific handling requirements to the approved cover sheet.

3. FGI documents shall be stored in such a manner to prevent unauthorized access. To the extent practicable, foreign government information shall be stored separately from other classified information to facilitate its control. To avoid additional costs, FGI documents may be stored in a separate drawer within



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the same security container.

4. FGI documents shall be transmitted in an approved method for classified information, unless the originating government waives this method. U.S. First Class, Express, Certified, or Registered Mail may be used for Confidential Foreign Government Information that requires modified handling procedures. The use of telecommunications services, including voice (telephonic, point-to-point), facsimile, narrative messages, communication facilities, and radio communications, shall consider security methods available for the transmission of Confidential foreign government information over this form of media. These considerations include, but may not be limited to, physical, administrative, and communications protective features and any other supplemental controls established to provide an acceptable level of protection for Confidential foreign government information. These protective features shall deter access to Confidential foreign government information by unauthorized individuals and restrict public accessibility.

5. Confidential Foreign Government Information that requires modified handling procedures shall be destroyed by using strip cut shredders that result in particles no larger than 1/4-inch wide strips or by using a shredder authorized for the destruction of classified materials. Such material may also be placed in "For Classified Waste Only" burn bags and destroyed via approved burn methods.

6. When foreign government information is being considered for declassification or appears to be subject to automatic declassification, the declassifying official shall determine whether the information is subject to a treaty or international agreement that would prevent its declassification at that time. Depending on the date of the information and whether it is contained in permanently valuable records, the declassifying official shall also determine if another exemption identified in the E.O. 12958 applies to the information. If the declassifying official believes such an exemption may apply, he or she shall consult with any other concerned agencies in making the declassification determination. The declassifying agency or the Department of State, as appropriate, shall consult with the foreign government originator prior to declassification.

2702 Duration of Classification

Foreign government information shall be protected for the duration indicated by the originator or source. In the absence of guidance from the originator, follow paragraph 1805, Duration of Classification under E.O. 12958, for declassification instructions.

2703 Declassification



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A. Declassification authorities can declassify foreign government information after coordination with the foreign government or international organization of governments that furnished the information or have a written joint arrangement with the United States. In the absence of downgrading or declassification instructions, foreign government information shall be systematically reviewed in accordance with paragraph 1906, Systematic Declassification Review.

B. Requests for mandatory review for declassification of foreign government information shall be processed under paragraph 1907, Mandatory Declassification Review, and must be coordinated with the foreign originator.

2704 Marking

A. Foreign government documents may maintain their original markings if they meet the identification purposes served by U.S. classified marking policies (i.e., so that a prudent, responsible individual can reasonably be expected to identify and recognize a document is sensitive and requires special protection and control). Otherwise, FGI documents shall be marked, **“C/FGI-MOD” (CONFIDENTIAL FOREIGN GOVERNMENT INFORMATION-Modified Handling Authorized)**. If remarking a foreign originated document or material is impractical, an approved cover sheet is an authorized option. For specific examples marking foreign government information, see paragraph 2010, Other Markings.

B. The written consent of the originating government is required prior to the release or disclosure of any foreign government information to any third-country entity.